

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER GRANTING MOTION TO ESTABLISH QUALIFIED
SETTLEMENT FUND AND SUB-QUALIFIED SETTLEMENT
FUNDS, AND ESTABLISHING QSF AUTHORIZED BANKING
INSTITUTION [1408]**

This matter is before the Court on Plaintiffs' Motion to Establish Qualified Settlement Funds and Sub-Qualified Settlement Funds (the "Motion") (ECF No. 1408.) Having considered the Motion and the establishment, purpose, and operation of the proposed Qualified Settlement Fund and Sub-Qualified Settlement Funds¹:

IT IS HEREBY ORDERED, that the Motion is granted, and
with respect to establishing the Qualified Settlement Funds and Sub-

¹ All capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has preliminarily approved.

Qualified Settlement Funds, and related matters, it is hereby ordered as follows:

1. The (i) Qualified Settlement Fund which shall be called the “FWC Qualified Settlement Fund” (the “QSF”); (ii) the Minor Child Sub-Qualified Settlement Fund; (iii) the Minor Adolescent Sub-Qualified Settlement Fund; (iv) the Minor Teen Sub-Qualified Settlement Fund; (v) the Future Minor Sub-Qualified Settlement Fund; (vi) Adults and Property Damage Sub-Qualified Settlement Fund; (vii) the Business Economic Loss Sub-Qualified Settlement Fund; and (viii) the Programmatic Relief Sub-Qualified Settlement Fund (collectively the “Sub-QSFs”) are established as a Qualified Settlement Fund within the meaning of Treas. Reg. § 1.468B-1 and pursuant to the authority conferred on this Court by 28 U.S.C. § 1407, Treas. Reg. § 1.468B-1(c)(1). The form of the FWC Qualified Settlement Fund Agreement attached to the Motion (“Trust Agreement”) is approved. This Court shall have exclusive jurisdiction over the QSF and Sub-QSFs.

2. ARCHER Systems, LLC (“Archer”), is appointed as Administrator of the QSF and Sub-QSFs (the “QSF Administrator”) and granted the authority to conduct any and all activities necessary

to administer the QSF and Sub-QSFs consistent with and as described in the Amended Settlement Agreement (“ASA”), the Trust Agreement, the Motion, and this Order.

3. The QSF and Sub-QSFs shall be held at The Huntington National Bank (“the Bank”), according to the terms, conditions and restrictions of the ASA, the Trust Agreement, the Motion, and this Order, and the Bank shall also act as trustee of the QSF (“Trustee”) pursuant to the terms, conditions and restrictions of the ASA, the Trust Agreement, the Motion, and this Order.

4. The QSF Administrator is authorized to effect qualified assignments of any resulting structured settlement liability or similar vehicle within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee, following the terms of the ASA.

5. The QSF Administrator is authorized upon final distribution of all funds paid into the QSF and Sub-QSFs to take appropriate steps to wind down the QSF and Sub QSFs and, thereafter, discharge the QSF Administrator and the Trustee from any further responsibility with respect to the QSF and Sub-QSFs.

6. The QSF Administrator and the Bank shall comply with and

be subject to all applicable provisions of the ASA. Any inconsistency between the ASA, the Trust Agreement, and/or the Motion shall be resolved in favor of the ASA as the governing document, then the Trust Agreement.

IT IS SO ORDERED.

Dated: February 4, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 4, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager